

## Chapter 6.04

### ANIMAL CONTROL

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**6.04.010 Citation.** The ordinance codified in this chapter shall be known as "The Animal Control Ordinance." (Ord. 2190 § 2 (part), 1997).

**6.04.015 Applicability.** This title shall apply to all unincorporated territory within the county. (Ord. 2190 § 2 (part), 1997).

**6.04.020 Definitions.** As used in this title unless the context requires otherwise, the following words and phrases shall have the following meanings:

A. **"Animal"** means any member of the kingdom Animalia, phylum Chordata, subphylum Vertebrata, exclusive of Homo sapiens.

B. **"Animal Control Manager"** means the duly appointed Animal Control Manager of the county or any officer, assistant or deputy appointed to fill a position in the Animal Control Office.

Whenever a power is granted to or a duty imposed upon the Animal Control Manager or other public officer, the power may be exercised, or the duty may be performed, by an Animal Control Officer, or by a person authorized pursuant to law, unless this chapter expressly provides otherwise.

C. **"Animal facility"** means any establishment operated for profit, exclusive of a licensed veterinary medical facility, and not limited to commercial, hobby, or boarding kennel, pet shop, or grooming parlor in or at which dogs four (4) months of age or older or cats four (4) months of age or older are kept, or any animal considered wild or exotic is harbored or maintained.

D. **"Animal nuisance"** means such actions or behaviors of an animal (excluding those agricultural activities permitted by law or regulation) which interfere with the rights of persons to the enjoyment of life or property by creating chronic annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept, harbored or maintained, and shall include, but not be limited to the following:

1. Causes fouling of the air by unpleasant odor of accumulated fecal waste or urine; or
2. Causes unsanitary conditions in enclosures or surroundings; or
3. Makes excessive loud or disturbing noise; or

4. Causes offense or danger to public health, safety, or welfare by virtue of the number or types of animals maintained.

E. **"At large"** means:

1. A dog off the premises of the owner and not under restraint by leash and physical control of the owner; or

2. Any other animal off the premises of the owner and not under the immediate control or restraint of the owner.

F. **"Cat"** includes any member of the species "Felis catus" customarily confined or cultivated as a pet over the age of 4 months.

G. **"Cattery"** (See Definition included in "R").

H. **"Dangerous animal"** means any animal (except a dog assisting a peace officer engaged in law enforcement duties) which can be categorized in any one or more of the following manners:

1. Behaves in such a manner that the owner knows or should know that the animal poses a threat to public safety.

2. Because of its size, training, behavior, physical nature, or vicious propensity, the owner knows or should know the animal would threaten public safety if it were not controlled as prescribed in this chapter.

3. Threatens or attacks any person in a manner which requires substantial defensive action by the person to prevent bodily injury.

4. Threatens or attacks any other animal belonging to another when such other animal is confined upon private property or otherwise lawfully restrained and controlled.

I. **"Dangerous behavior"** means any act(s) committed by an animal as defined in the chapter.

J. **"Domestic animal"** means dogs and cats, except as limited in § 6.04.020 herein, as well as horses, donkeys, mules, burros, cattle, sheep, goats, swine, llamas, camels, rabbits and fowl commonly kept or raised in the country as farm or livestock animals.

K. **"Dog"** means any member of the species "Canis familiaris" over the age of four months customarily confined or cultivated as a pet.

L. **"Dog license"** means the license required to be annually issued for each individual dog residing in the county.

M. **"Exotic animal"** means any wild animal not customarily confined or cultivated for domestic or commercial purposes but kept as a pet or for display.

N. **"Feral animal"** means any domestic animal which is known to live in a wild or semi-wild state without benefit of an owner or any domestic animal which has escaped for a substantial period of time from the care of its owner and is existing in a wild state without benefit of domestication.

O. **"Health Officer"** means the health officer of the county.

P. **"Horse"** means any equine animal such as a mule, burro, pony, jack, hinny or jenny.

Q. **"Impoundment"** means the taking up and confining of an animal by the manager of animal control in accordance with the provisions of this chapter or other applicable law or regulation.

R. **"Kennel"** means any enclosure, residence, premises, building, dwelling, structure, lot or area defined as follows:

1. **"Commercial kennel or cattery"** is any kennel maintained as a business where more than four (4) dogs or cats are kept for the purpose of boarding, breeding, buying, selling, renting, exhibiting or training; or

2. **"Hobby kennel or cattery"** is any kennel maintained primarily for personal recreational use where more than four (4) dogs or cats are kept for the purpose of breeding, training or exhibiting.

3. **"Pet household"** is any kennel where more than four (4) dogs or cats are kept, in any combination, for personal enjoyment, all of which are spayed or neutered, and licensed as required by Section 6.04.080. This definition does not supersede any other zoning issue concerning the ownership of animals.

S. **"Kitten"** means any feline under four (4) months of age.

T. **"Leash"** means any substantial rope, leather strap, chain, or other material not exceeding six feet in length being held in the hand of a person capable and actually controlling the dog to which it is attached.

U. **"Licensed dog"** means any dog for which the license fee for the current year has been paid, and a tag has been provided and attached.

V. **"Owner"** means the primary or responsible person who possesses, has title to, has an interest in, harbors, has control of, or has custody (including temporary custody) of an animal.

W. **"Person"** means fictional entities such as corporations, estates, associations, partnerships and trusts, or one or more individual human beings or responsible members of a familial household.

X. **"Pet shop"** means an establishment operated by any person, firm or corporation where live animals are kept for sale, barter or hire.

Y. **"Poultry"** means any bird kept for its meat or eggs.

Z. **"Public animal shelter"** means the facilities provided by the county for the impoundment, relinquishment, quarantine, and adoption or sale of animals.

AA. **"Puppy"** means any canine under four (4) months of age.

BB. **"Surrendered animal"** means any animal delivered by the owner thereof to the animal control shelter or an animal control officer, and for which the owner fills out the prescribed surrender forms.

CC. **"Unlicensed dog"** means any dog for which the license fee for the current year has not been paid or to which a tag has not been issued for under this chapter; or if issued, is not attached to the dog with the exception of those circumstances indicated in §§ 6.04.080 through 6.04.230.

DD. **"Veterinarian"** means a person licensed by the State of California to practice veterinary medicine.

EE. **"Vicious animal"** means any animal (except a dog assisting a peace officer engaged in law enforcement duties) which has, on one or more occasions, committed any one or more of the following acts:

1. Physically attacked, mauled or injured by biting any person.

2. Physically attacked, mauled or physically injured by biting any person when the owner thereof knows or should reasonably know that the animal poses a threat to public safety and has made no substantial effort to prevent the attack or when the owner has purposefully encouraged or commanded the animal to attack, maul or physically injure any person.

3. Physically attacked and injured by biting any animal, which is lawfully maintained on private property not belonging to the owner of the offending animal.

4. Physically attacked and injured by biting any animal, which is lawfully maintained or controlled upon public property.

FF. **"Vicious behavior"** means any acts committed by an animal as defined in § 6.04.020(EE), above.

GG. **"Wild animal"** means:

1. Any animal of the class Aves (birds), class Mammalia (mammals), class Amphibia

(frogs, toads, salamanders), class Osteichthyes (bony fishes), class Monorhina (lampreys), class Reptilia (reptiles), class Crustacea (crayfish), or class Gastropoda (slugs, snails) which is not normally domesticated in this state as determined by the Fish and Game Commission.

2. Any hybrid animal which is part wild animal and is capable of transmitting rabies, except livestock hybrids, and for which no rabies prophylaxis is recognized or authorized by the state. (Ord. 2190, § 2 (part) 1997)

**6.04.030 Animal Control Office.** The Animal Control Office is responsible to the County Administrator. The Office is responsible for administering this chapter and any other statute, ordinance or regulation dealing with animals. The Office shall issue licenses under this chapter. The Office shall be headed by the Animal Control Manager who, notwithstanding any provision of this code to the contrary, shall serve at the pleasure of the Board of Supervisors. The positions of any officers, assistants or deputies in the Office shall be filled pursuant to personnel ordinances or regulations of the county and shall be under the supervision of the Animal Control Manager. (Ord. 2190 § 2 (part), 1997).

**6.04.040 Public animal shelter.** The County shall provide, by action of the Board of Supervisors, suitable facilities and personnel to keep, safely hold, and provide care for all animals impounded. (Ord. 2190 § 2 (part), 1997).

**6.04.045 Sale or donation of dogs and cats for research prohibited.** The Animal Control Officer shall not sell or donate any dog or cat to anyone for research purposes. (Ord. 2190 § 2, (part) 1997).

**6.04.050 Powers and duties of Animal Control Manager.** The powers and duties of the Animal Control Manager and his/her deputies shall be broadly interpreted to permit:

The Animal Control Manager and his/her staff to enforce all provisions of this chapter and all laws of the state relating to the care, treatment and impoundment of animals. (Ord. 2190 § 2 (part); 1997).

**6.04.060 Police powers and weapons.**

A. The animal control manager and all Animal Control Officers shall, upon appointment and during the tenure of their office, become and be vested with the powers of arrest of a peace

officer of the county, and each shall have the power and it shall be their duty to issue citations, make arrests for violations of any of the provisions of this chapter, and serve warrants. The power to arrest shall be those powers granted to a peace officer pursuant to California Penal Code §§ 830.9 and 836. The power to serve warrants are those specified in Penal Code §§ 1523, 1524, 1529 and 1530.

B. After successful completion of the course of training required by § 832 of the Penal Code, the Animal Control Manager, all Animal Control Officers, assistants and deputies are authorized to carry county supplied .22 caliber rifles while on duty. Such officers are prohibited from carrying or using any other weapon while on duty. The carrying and use of county supplied .22 caliber rifles shall be in strict accordance with the rules and regulations established by the Animal Control Manager. (Ord. 2190 § 2, 1997).

**6.04.065 Authority to use animal tranquilizer equipment.** In the performance of the manager's duties, the manager shall have the authority to employ the use of animal tranquilizer equipment and all other animal control devices commonly used by other animal control agencies located within the State of California.. (Ord. 2190 § 2 (part), 1997).

**6.04.070 Seizure and impoundment on private property.**

A. The Animal Control Manager, all Animal Control Officers, assistants and deputies are authorized to enter upon any premises upon which any animal is kept, for the purpose of taking up, seizing, or impounding any animal found running at large, staked, or grazing thereon contrary to the provisions of this chapter or for the purpose of ascertaining whether any law of the county or state relating to the care, treatment, or impounding of any animal or whether any provision of this chapter is being violated.

B. The Animal Control Manager is authorized to enter upon any lands or premises for the purpose of apprehending and impounding any animal that constitutes a threat or hazard to the safety of any person or animal. (Ord. 2190 § 2 (part), 1997).

**6.04.080 License.**

A. Licensing required. No person shall have, keep, maintain, or harbor any dog four (4) months of age or older within the unincorporated

area of the county unless such dog vaccinated for rabies and licensed as required in this chapter.

The provisions of this section shall not apply to any dog owned by or in the care or charge of a nonresident of the county who is traveling through the county for a period not exceeding thirty (30) days, provided the nonresident owner can prove the dog is currently vaccinated for rabies as set forth in Health and Safety Code § 121690 and Title 17 CCR 2606.4 and licensed in the state, county, or city of residence of the owner.

**B. Licensing of dogs.**

1. Every person owning or having control, custody or possession of any dog within the county shall procure a license within thirty (30) days for any such dog over four (4) months of age, except as provided for in § 6.04.140, below.

2. New residents shall obtain licenses for their dogs within 30 days of establishing residency. If the owner can show proof the dog was licensed within the last year in a city or county in California, the Animal Control Manager shall issue a tag for a transfer fee as determined by the Board of Supervisors. The tag shall expire on the next occurring anniversary month of the rabies vaccination. (Ord. 2190 §2 (part), 1997).

**6.04.090 License Fee.** The annual fee for dog licenses shall be determined and set by ordinance of the Board of Supervisors. A late fee, as set by ordinance, shall be added to the licensee fee if payment is not received within sixty (60) days after the expiration of the license. (Ord. 2190 § 2 (part), 1997).  
**6.04.100 License-valid period.** A license issued by the Animal Control Office is valid for one year from the date of the vaccination. (See § 6.04.080 for new residents of the county) The license must be renewed during the anniversary month of the rabies vaccination. The license shall expire the last day of the anniversary month. The Animal Control Office may issue a license valid for a period not to exceed three (3) years provided that the dog's rabies vaccination is valid during the entire licensing period. (Ord. 2190 § 2 (part); 1997).

**6.04.110 License-nontransferable.** Licenses shall not be transferrable from one dog to another but may be transferred on change of ownership of a dog for a fee as set by the Board of Supervisors. (Ord. 2190 § 2 (part); 1997)

**6.04.120 License - not required when.** No license shall be required for any dog until the dog reaches four months of age. (Ord. 2190 § 2 (part), 1997).

**6.04.130 Penalty for failure to license.** Every owner of any dog who fails to license a dog within one year from the period required by §6.04.080, or who allows the dog's license to lapse for a period greater than one (1) year shall be subject to a fine double the amount of the late fee as set forth in § 6.04.090. (Ord. 2190 § 2 (part), 1997).

**6.04.140 Exception For delinquent payment.** Notwithstanding any other penalty imposed for an unlicensed dog, no late fee penalty shall be assessed until sixty (60) days have elapsed from the date the dog turned four (4) months of age providing the dog is spayed or neutered prior to the expiration of the sixty (60) day period. (Ord. 2190 § 2 (part); 1997).

**6.04.150 Lost certificates and tags.** Whenever a license certificate or tag has been lost or destroyed, a duplicate shall be issued upon payment of a fee, as determined by the Board of Supervisors, and satisfactory proof of the loss and of the identity of the dog. (Ord. 2190 §2 (part), 1997).

**6.04.155 Exotic animals.** All exotic animals required to have a state license shall be registered with animal control. Registration shall be made on forms provided by the Animal Control Manager, which shall include the name, address, and phone number of the owner, and a description of the animal to aid animal control in finding the owners of any lost animal. The establishment and amount of any fee for registration shall be determined by resolution of the Board of Supervisors. (Ord. 2190 § 2 (part); 1997).

**6.04.160 Exemptions - guide dogs and service dogs.** No license fee shall be required for the issuance of a dog license certificate to any person owning or having the control of any dog duly and properly trained to aid or assist any handicapped persons or any dog under the age of one year if under the supervision or direction of a holder of a certificate issued pursuant to the provisions of Chapter 9.5 (commencing at

§7200) of Division 3 of the Business and Professions Code.

This exemption for licensing does not exempt such an owner from obtaining the appropriate rabies vaccination as set forth in §6.04.240. (Ord. 2190 § 2 (part), 1997).

#### **6.04.165 Licenses required - kennels.**

A. Any person owning or operating any kennel or animal facility as defined in §6.04.020, subsections (C), (M), (R), and (GG), above, shall obtain a kennel license.

B. Prior to obtaining a kennel license from the animal control office, the applicant must obtain proof from the community development department and provide that proof to the animal control office that the parcel the applicant intends to use is zoned for a kennel. An applicant whose property is not zoned for a kennel must apply and qualify for a conditional use permit. Applications for conditional use permits are obtained from the community development department. (See §6.04.020(R), above.)

C. Applications for kennel licenses shall be on forms provided by the Manager of Animal Control. The license period shall begin July 1st and end June 30th. New (rather than renewal) licenses obtained after August 31st shall be prorated. The yearly fees shall be determined by the Board of Supervisors.

D. Change of status. During the term of any kennel license issued pursuant to this article, the holder of the kennel license shall, within three (3) business days, file, in writing with the Animal Control Manager, notice of any changes in location, type or quantity of animal, or means of housing of the animals kept in the kennel or animal facility.

E. The Animal Control Manager shall issue a license to each owner of a kennel for each fiscal year as defined by this section so long as the owner complies with all statutes, rules and regulations pertaining to kennels.

F. The Board of Supervisors shall establish an annual fee for kennel licenses.

G. Nothing in this section shall relieve the owner of any kennel from complying with any other statute or ordinance, not specifically excluded herein, relating to the ownership or keeping of animals. (Ord. 2314 § 26, 1999; Ord. 2190 § 2 (part); 1997).

#### **6.04.170 Exemptions to kennel licenses.**

A. Animal facilities where dogs and/or cats are not actually housed, and "Pet households" as defined in §6.04.020(R)(3), shall be exempt from the kennel licensing requirements of §6.04.165.

B. An owner of a kennel need not comply with §6.04.080 for any dog within a licensed kennel nor shall any dog within a licensed kennel be required to wear a current license tag; provided each such kennel comply with §6.04.165. (Ord. 2190 § 2 (part); 1997).

#### **6.04.175 Standards For kennels.**

A. **Minimum guidelines.** The Manager shall set minimum guidelines for the proper care and maintenance of a kennel, cattery, or animal facility. The guidelines adopted, for the facility and the animals kept there, shall at a minimum be consistent with applicable state and federal standards. A copy of such guidelines shall be provided in writing to the applicant with each application for a kennel license.

B. **Failure to meet minimum guidelines.** If the applicant or license holder fails to meet the requirements set forth in the guidelines, the Animal Control Manager shall notify the applicant or license holder in writing. The written notice shall advise the applicant or license holder of any existing deficiencies and the corrective measures that must be taken and completed to bring the facilities into compliance with the guidelines. The Animal Control Manager shall give the applicant or license holder no more than thirty (30) and no less than fourteen (14) calendar days to complete the corrective measures, unless the deficiency threatens the health or welfare of the animals. In such case, the Animal Control Manager shall demand the applicant or license holder to immediately correct the deficiencies.

C. **Failure to comply with Animal Control Manager's directive to correct deficiencies.** The Animal Control Manager shall do one or more of the following, as applicable, for any applicant or kennel license holder who fails to correct the noted deficiencies within the proscribed period of time:

- (1) Deny a person's application, and/or
- (2) Revoke an individual's kennel license, and/or
- (3) Refer the matter to the District Attorney's Office for criminal prosecution

D. **Failure to comply constitutes a continuing violation.** Any person who knowingly violates the provisions of §6.04.165 through and including §6.04.175 shall severally for each and every such violation and noncompliance

respectively, be guilty of a misdemeanor. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within the proscribed time as set forth in §6.04.175; and when not otherwise specified, each thirty (30) days that the prohibited conditions are maintained shall constitute a separate offense. The application of the above penalty shall not be held to prevent or preclude the Animal Control Manager from enforcing the directive to correct the deficiencies.

**E. Methods of denial or revocation.** The denial of an application or renewal of a license or the revocation of any existing license by the Animal Control Manager shall be in writing, with the reasons for denial or revocation stated.

The Animal Control Manager shall include a copy of the provisions of the sections of this article governing kennels, the applicable guidelines, and any other provisions of this chapter with the written notice of a denial of an application, renewal or revocation of any existing license.

The Animal Control Manager shall cause the notice specified herein to be served by first-class mail or personal service. (Ord. 2190 § 2 (part); 1997).

**6.04.180 Exemptions - veterinarians.** No kennel license shall be required of any veterinarian treating or caring for dogs owned by others. (Ord. 2190 § 2 (part), 1997).

**6.04.190 Application of Penal Code §597.1.**

A. Pursuant to Penal Code §597.1(l), the provisions of Penal Code §597.1 are hereby adopted in their entirety and shall apply within the unincorporated limits of the County of Tuolumne and to all law enforcement agencies and empowered animal protection organizations within the unincorporated areas of the County of Tuolumne.

B. Pursuant to Penal Code §597.1(l), the provisions of §597(f) of the Penal Code shall not apply within the unincorporated areas of the County of Tuolumne or to all law enforcement agencies and empowered animal protection organizations within the unincorporated areas of the County of Tuolumne. (Ord. 2190 § 2 (part); 1997).

**6.04.200 Counterfeiting and removal of tags.** No person shall make or have in his/her

possession or place on any dog a counterfeit or imitation of any tag issued pursuant to this chapter, nor shall any person other than the owner remove any tag from any dog. (Ord. 2190 § 2 (part), 1997).

**6.04.210 Inspections.** Upon demand of the Animal Control Manager, the owner of any dog shall permit the inspection thereof at all reasonable times as may be necessary for the enforcement of the provisions of this chapter and shall display for his/her inspection any tag or certificate of vaccination which may have been issued for that dog. (Ord. 2190 § 2 (part), 1997).

**6.04.220 Procuring of tags and certificates by county.** A sufficient number of metallic dog tags and certificates shall be procured each year by the county for issuance and use the succeeding year. The certificates and tags shall be numbered consecutively and stamped with the issuance year. (Ord. 2190 § 2 (part), 1997).

**6.04.230 Requirement for wearing tags.** The owner of every dog as defined by § 6.04.020(K) shall securely fasten the current tag to a substantial collar or body harness which the dog shall wear at all times. This requirement shall not apply under any of the following circumstances:

1. The dog is inside a private residence or dwelling; or
2. The dog is participating in one of the following activities:
  - a. Obedience training,
  - b. Field trials,
  - c. Organized dog show,
  - d. Professional breeder's event; or
3. The dog is being groomed; or
4. The dog is engaged in the control of livestock. (Ord. 2190 § 2 (part), 1997).

**6.04.240 Rabies vaccination - certificate required.** The Animal Control Manager shall not issue a licence tag for any dog which has attained the age of four months, or over, unless a valid official certificate of vaccination is presented with the license fee. The certificate of vaccination, signed by a licensed veterinarian, shall indicate the date of vaccination and the type of vaccine administered. (Ord. 2190 § 2 (part), 1997).



**6.04.245 Submission of rabies vaccination records by veterinarian.** Every licensed veterinarian in the county shall submit on a monthly basis to the Animal Control Manager a copy of the rabies vaccination certificate as defined by CCR 2606.4(2) for each dog vaccinated the previous month. (Ord. 2190 § 2 (part), 1997).

**6.04.250 Rabies vaccination--continuing requirement.** The requirement that any dog which has attained the age of four months, or over, shall be vaccinated against rabies as a prerequisite to issuance of a license shall continue in force and effect until:

1. The end of one year from the date of the presently effective declaration of the County of Tuolumne as a rabies area unless, not earlier than two months prior to the end of the year, it is again declared to be a rabies area in the manner provided in Health and Safety Code §121585; or

2. The Director of State Department of Public Health at any time finds and declares that an area has ceased to be a rabies area, its status shall terminate upon the date of the declaration. (Ord. 2190 § 2 (part), 1997).

**6.04.260 Rabies vaccination--approved canine rabies vaccine.** No person shall keep, harbor, or maintain any dog over the age of four months within the unincorporated area of the county unless such dog has been vaccinated by a licensed veterinarian with a canine rabies vaccine approved by and in the manner prescribed by the State Department of Public Health. (Ord. 2190 § 2 (part), 1997).

**6.04.261 Withholding information.** Any person or agency having knowledge that an animal capable of being infected with and transmitting the rabies virus:

1. Has bitten or otherwise exposed any person; or
2. Has been potentially exposed to rabies; or
3. Is suspected of having rabies shall report such information to the Animal Control Manager immediately. Any person who fails to report such information or willfully conceals information about the location or ownership of the animal is guilty of a misdemeanor. (Ord. 2190 § 2 (part), 1997).

**6.04.262 Quarantine of biting animals.** Any domestic animal of a species subject to rabies, that has bitten or otherwise exposed any person shall be isolated under strict confinement for a period of at least fourteen (14) days after the day of exposure. If such animal is a dog or a cat, it shall be isolated under strict confinement for a period of at least ten (10) days after the day of exposure. Such animal shall be isolated at a pound, veterinary hospital, or other adequate facility in a manner approved by the local health officer, except as provided for as follows:

A. Dogs and cats under daily direct observation of a licensed veterinarian may be released from quarantine after a total of five (5) days of observation providing a thorough physical exam is conducted on the fifth (5) day; or

B. Home quarantine may be permitted at the discretion of the Animal Control Manager and the approval of the local health officer providing:

1. The owner of any dog can produce proof of a current rabies vaccination;
2. The owner agrees to sign and abide by a list of conditions set forth by the Animal Control Manager;
3. The owner agrees to immediately notify the Animal Control Manager if the animal becomes ill, escapes, or bites again; and
4. The owner will relinquish the body of the animal if it dies so it can be tested for rabies. (Ord. 2190 § 2 (part), 1997).

**6.04.263 Quarantine of animals potentially exposed to rabies.** Any domestic animal of a species subject to rabies that has been bitten by or been in intimate contact with a known rabid or suspected rabid animal shall be isolated under strict confinement for a period of six (6) months or destroyed. Such animal shall be isolated at a pound, veterinary hospital, or other adequate facility in a manner approved by the local health officer. Home quarantine may be permitted at the discretion of the Animal Control Manager and the approval of the local health officer providing:

1. The owner of the animal agrees to sign and abide by a list of conditions set forth by the Animal Control Manager;
2. The owner agrees to immediately notify the Animal Control Manager if the animal becomes ill, escapes, or bites someone; and
3. The owner will relinquish the body of the animal if it dies so it can be tested for rabies. The following alternatives are permitted for dogs and cats:

1. If the dog or cat is over one (1) year of age and has been vaccinated against rabies with an approved vaccine within the past thirty-six (36) months but not less than thirty (30) days, the dog or cat may be revaccinated immediately (within forty-eight (48) hours) and quarantined for a period of thirty (30) days; or

2. If the dog or cat is under one (1) year of age and has been vaccinated against rabies with an approved vaccine within the past twelve (12) months but not less than thirty (30) days, the dog or cat may be revaccinated immediately (within forty-eight (48) hours) and quarantined for a period of thirty (30) days. (Ord. 2091 § 2 (part), 1997).

**6.04.264 Laboratory testing of quarantine animals.**

The Animal Control Manager shall arrange for the testing for rabies of the carcass of a suspected animal at an approved public health laboratory if:

1. The animal has been killed or died before quarantine can be completed;

2. The animal displays symptoms indicative of rabies before quarantine can be completed;

3. The animal is ill or injured and a veterinarian recommends and the owner agrees to euthanization before quarantine can be completed; or

4. The animal is a wild or exotic species. (Ord. 2190 § 2 (part), 1997).

**6.04.265 Quarantine violations.** Any person who, after notice, violates or permits another to violate, any order of the Animal Control Manager as set forth in §§6.04.262 and 6.04.263 is guilty of a misdemeanor. (Ord. 2190 § 2 (part), 1997).

**6.04.270 Rabies vaccination clinics.** The Animal Control Manager shall establish rabies vaccination clinics at such times and places as deemed necessary by the health officer. The charge for vaccinations at these clinics shall not exceed the actual cost involved. No owner of a dog shall be required to have his or her dog vaccinated at a public clinic if the owner elects to have the dog vaccinated by a licensed veterinarian of the owner's choice. (Ord. 2190 § 2 (part), 1997).

**6.04.280 Control of dogs.**

A. Every owner of a dog shall keep it exclusively upon his/her own premises; provided, however, that such dog may be off such

premises if it is under the control of a person capable and actually restraining the animal by a leash. The following purposes are permitted and excepted therefrom, provided the dog does not present a hazard to the public safety and welfare, does not trespass upon private property, cause a nuisance or violate any other provision of this chapter or state law:

1. Lawful hunting;

2. Livestock herding and control on public lands;

3. An animal being used by peace officers in the pursuit of their duties;

4. Organized field trails; and

5. Tracking, obedience training or show and other recognized work activities when under the direct control of the owner or handler.

B. For purposes of this section, the owner of any motel, hotel, auto court, trailer court or campground shall be deemed to be the person having control of any dog on the premises. (Ord. 2190 § 2 (part), 1997).

**6.04.285 Violation a misdemeanor when.** Any person whose dog is running at large in violation of §6.04.280 and, while so running at large, such dogs inflicts bodily injury on another or causes property damage is guilty of a misdemeanor and on conviction thereof shall be punishable as set forth in Tuolumne County Ordinance Code § 1.08.010. (Ord. 2190 § 2 (part), 1997).

**6.04.290 Female dogs at large.**

A. Except for the purpose of exercising and while under strict control of the owner, no owner shall permit any female dog to run at large at any time during the period when the dog is in heat or breeding condition.

B. For purposes of this section, "at large" means outside a house, garage, building, or other closed structure. (Ord. 2190 § 2 (part), 1997).

**6.04.300 Impoundment.** The Animal Control Manager shall take possession of and impound any dog found within the unincorporated area of the county which is not licensed and tagged as required by this chapter or which does not have a current license tag of a city, county, or city and county equivalent to a license and tag of this county, or any dog running at large contrary to the provisions of this chapter. (Ord. 2190 § 2 (part), 1997).

**6.04.305 Duration of impoundment.**

A. All impounded dogs or cats found wearing a license tag or any other form of positive identification shall be kept in the animal shelter or other authorized place of impoundment for a period of not less than five (5) working days following the day of impoundment unless redeemed within such period.

B. All impounded dogs or cats not wearing a license tag or other form of positive identification shall be kept in the animal shelter or other authorized place of impoundment for a period of not less than three (3) working days after the day of impoundment unless redeemed within such period.

C. An impounded bovine (ox or cow) animal shall be kept in the animal shelter for at least five (5) working days following the date of impoundment unless it is redeemed within that period. If the animal is a bovine animal and is not redeemed, it shall be turned over to the State Bureau of Livestock Identification for disposition by that office, pursuant to the requirement of the California Food and Agriculture Code.

D. Any animal defined as a horse, mule, sheep, swine or burro shall be kept in the animal shelter or other authorized place of impoundment for at least ten (10) calendar days.

E. Any other impounded animal shall be kept in the animal shelter for at least three (3) working days following the day of impoundment unless it is redeemed within such period.

F. Any animal which is voluntarily surrendered to or deposited with the manager by the owner shall not be deemed to be impounded and need not be kept or retained for any minimum period of time.

G. Any lawfully impounded animal which poses a danger to other animals or people at the public animal shelter, is in discomfort or pain due to age, injury or disease, or is feral may be destroyed by the Animal Control Manager after seventy-two (72) hours have elapsed from time of impoundment.

H. Any animal may be humanely destroyed immediately if determined appropriate by a veterinarian. Cats which are severely injured or seriously ill, or newborn cats unable to feed themselves may be euthanized immediately by the Animal Control Manager.

I. Reasonable care shall be taken to preserve a stray animal from injury, death or escape while impounded. If the animal is injured, dies, stolen or escapes, the Animal Control Manager shall not be held liable in any manner therefore. (Ord. 2190 § 2 (part), 1997).

**6.04.310 Notice to owner of dog at large.** The Animal Control Manager shall attempt to locate the owner of any licensed or identifiable dog which has impounded and notify the owner of the fees and charges for the impounding and where the dog may be redeemed. Failure or refusal to pay the fees and charges after due notification of the impounding within seventy-two (72) hours shall be deemed to be an abandonment of the dog by the owner. Thereafter the dog may be disposed of in the same manner as an animal which has been voluntarily surrendered. (Ord. 2190 § 2 (part), 1997).

**6.04.320 Notice to owner of impounded animal.** Notice shall be given to all owners of all other animals impounded by the Animal Control Manager or his or her staff if such owners are known to the Animal Control Office. The Animal Control Manager shall attempt to ascertain the names of the owners of all animals impounded. Where practicable, the Animal Control Manager shall attempt to give notice to owners of animals prior to their impoundment so that they might be disposed of without impoundment. Failure or refusal to pay the fees and charges after due notification of the impounding within seventy-two (72) hours shall be deemed to be an abandonment of the animal by the owner. (Ord. 2190 § 2 (part), 1997).

**6.04.330 Redemption of impounded animals.** The owner of any impounded animal shall have the right to reclaim the same at any time prior to the lawful disposition thereof, upon payment to the Animal Control Manager of the costs and charges which shall be established by ordinance of the Board of Supervisors for the impounding and keeping of such animals, provided, however, that if the animal is one which is subject to the licensing provisions of this chapter, the licensing requirements must be satisfied before the animal is released. If the impounded dog is not currently vaccinated against rabies as required, a fee in an amount determined by the Board of Supervisors shall be required as a rabies deposit. A voucher shall be issued for the amount of the rabies deposit which is applied towards the cost of a rabies vaccination at any local participating veterinarian's office or rabies clinic. (Ord. 2190 § 2 (part), 1997).

#### **6.04.335 Disposition of unredeemed or surrendered animals.**

##### **A. Dogs:**

Unless a dog has been redeemed within period set forth in § 4.604.305, the Animal Control Manager, may, at his/her sole discretion, destroy the animal in a humane manner or sell the animal for an amount determined and set by the Board of Supervisors. If the dog is sold, the purchaser shall not be given possession of any dog until the purchaser has paid to the Animal Control Manager the license fee prescribed for such dog, a rabies deposit as provided for in §6.04.330, above, and a spay/neuter deposit. A voucher shall be issued for the amount of the spay/neuter deposit which is applied towards the cost of a spay/neuter at any local participating veterinarian's office. The Animal Control Manager shall accept the application for license and the license fee, but shall not deliver the license until proof of current rabies vaccination has been provided.

##### **B. Cats:**

Unless a cat has been redeemed within the period set forth in §6.04.305, the Animal Control Manager, may, at his/her sole discretion, destroy the animal in a humane manner or adopt the animal out for an amount determined and set by the Board of Supervisors. If the cat is sold, the purchaser shall not be given possession of the cat until the purchaser has paid to the Animal Control Manager a spay/neuter deposit as provided for in §6.04.335(A), above.

##### **C. Other Animals:**

Unless an animal has been redeemed within the period set forth in §6.04.305, the Animal Control Manager, may, at his/her discretion, destroy the animal in a humane manner, sell the animal to the highest bidder or adopt the animal out for an amount determined and set by the Board of Supervisors. The minimum bid price for equine animals shall be set above the current slaughter price for such animals.

##### **D. Disposition Discretion:**

1. At the discretion of the Animal Control Manager, an unredeemed or surrendered animal as defined in subsections A, B or C of this section may be kept for a reasonable period of time after the expiration of the redemption period for the purpose of selling or adoption. The Animal Control Manager may refuse, at his/her discretion, to sell or adopt to a particular purchaser if the manager has reason to believe the sale would not be in the best interest of the animal or the purchaser refuses to comply with

requirements set forth as a condition of adoption or sale.

2. No animal held in custody by the Animal Control Manager known to have exhibited vicious or dangerous behavior as defined in §6.04.020, subsections (H) and (BB) shall be released for sale to any member of the public but rather shall be destroyed upon exhaustion of the required period of impoundment unless legally reclaimed by the owner. (Ord. 2190 § 2 (part), 1997).

#### **6.04.340 Charges for impounded animals.**

A. The Animal Control Manager master shall charge and collect the fees for impounded animals as set by the Board of Supervisors.

B. The Animal Control Manager shall also collect a current license fee if required prior to releasing an impounded dog and issue a license. For impoundment at the county facility, the Animal Control Manager shall also collect fees set by the Board of Supervisors for food and care of any impounded animals. For impound at facilities other than the county facility (i.e., veterinarian), the Animal Control Manager shall collect the actual and necessary costs associated with caring for the animal. (Ord. 2190 § 2 (part), 1997).

**6.04.350 Transportation charges.** When the following services are requested by the owner of an animal, the Animal Control Officer shall charge and collect the fees as set by the Board of Supervisors for the following services:

A. Transport unwanted dogs or cats to the pound from any one location.

B. Remove and dispose of any one dead dog or cat.

C. Transport any dog or cat to or from a veterinarian. (Ord. 2190 § 2 (part), 1997).

#### **6.04.360 Vicious or dangerous animals.**

A. **Purpose.** The purpose of this section is to regulate, within the unincorporated areas of the county, the keeping of animals that are potentially dangerous or vicious or involve a threat to the safety of people and other animals.

B. **Seizure of an animal posing an immediate threat to public safety.** If the Animal Control Manager determines that an animal poses an immediate threat to public safety, the Manager may seize and impound such animal. The owner or keeper of the animal shall be liable to the county for the costs and expenses of keeping the animal.

C. **Owner responsibility.** Any owner of any animal is deemed responsible for the acts committed by that animal.

D. **Sale of dangerous or vicious animals prohibited.** No animal held in custody by the Animal Control Manager known to have exhibited dangerous or vicious behavior as defined in §6.04.020, subsections (H) and (EE) shall be released for sale to any member of the public but rather shall be destroyed upon exhaustion of the required period of impoundment unless legally reclaimed by the owner.

E. **Animals subject to impoundment.** Upon notification of the whereabouts of a dangerous or vicious animal, the Animal Control Manager shall immediately conduct an investigation of the matter for the purpose of verifying the report. If, after investigation, the Animal Control Manager determines that the animal has bitten or has attacked a person or another animal so as to indicate dangerous or vicious propensities, he/she shall notify the owner of the matter in writing and direct that the owner of the animal keep the animal within a secured enclosure as set forth in subsection (H) of this section. Failure to comply with this written directive shall constitute a violation of this chapter.

The owner of the suspect animal shall have five (5) business days from receipt of the notice of dangerous or vicious animal declaration to present written evidence contrary to the determination of the Animal Control Manager to the Animal Control Office. Failure to file written evidence with the Animal Control Office within five (5) business days shall constitute waiver of the right to challenge the initial determination of the Animal Control Manager.

If the owner of the suspected animal presents written evidence contrary to the determination of the Animal Control Manager within the proscribed period, the matter shall be submitted to a hearing entity. The hearing entity shall be the chief Administrative Officer for the County or his/her designee. The hearing entity shall make a final determination within ten (10) working days of the deadline for submittal of evidence.

The final decision of the hearing entity shall be served personally or by first class mail, return receipt requested.

F. **License.** The Animal Control Manager shall issue every declared vicious or dangerous animal a distinctive type of identification. The owner of the vicious or dangerous animal shall be responsible to ensure that the identification is

worn at all times in the manner directed by the Animal Control Officer. Any animal found to be violation of this ordinance may be impounded.

Every declared vicious or dangerous animal shall thereafter be licensed yearly for a fee as determined by the Board of Supervisors.

The license fee referred to in this subsection for declared vicious or dangerous dogs shall be in addition to the license fee set forth in §6.04.080, above.

G. **Duty to report change of ownership or location of animal.** If the declared dangerous or vicious animal dies, or if there is any change in ownership or location of the animal, the owner of the animal shall notify the Animal Control Manager in writing of the change in condition and the new location and/or the owner of the animal within two (2) working days.

H. **Duty to maintain control of declared dangerous or vicious animal.** A declared dangerous or vicious animal shall, at all times, be kept within an enclosed structure (such as a house or garage), chain link kennel, solid board fence, or chained within a securely fenced yard from which the animal cannot escape, and into which children cannot trespass. The Animal Control Manager or his/her designee shall approve the manner and location in which the animal is to be kept within five (5) business days of the declaration of the animal as a "dangerous or vicious animal."

When the animal is outside of its enclosure, the animal must be muzzled and kept on a leash held by a responsible adult capable and actually restraining the animal.

I. Conditions for destroying a dangerous or vicious animal. When a declared dangerous or vicious animal exhibits behavior consistent with the behavior set forth in subsection (H) and (EE) of §6.04.020, above, the Animal Control Manager shall petition the county municipal court for humane destruction of the animal. This hearing shall be open to the public. The court may admit all relevant evidence including incident reports and the affidavits of witnesses.

J. **Violation of provisions contained in §6.04.360.** Any person who fails to keep his/her animal in an approved secured enclosure as required by §6.04.360(H) is guilty of a misdemeanor. (Ord. 2190 § 2 (part), 1997).

#### **6.04.365 Animal Nuisance.**

A. No person shall own, keep, harbor or maintain any dog or puppy within the unincorporated area of the County that barks,

howls, cries, bays, or whines for longer than thirty minutes at a time. If the Animal Control Manager or his/her designee witnesses the above violation and no one is available to sign and accept a citation, the Animal Control Manager or his/her designee may impound the noisy dog or puppy.

B. No person shall own, keep, harbor or maintain any animal which creates a nuisance as defined in § 6.04.020(D), above. (Ord. 2190 § 2, 1997).

**6.04.370 Record of licenses issued.** The Animal Control Manager shall keep a record of all licenses issued pursuant to this chapter and such other records as are necessary for the proper administration of this chapter. (Ord. 2190 § 2 (part), 1997).

**6.04.380 Authority to destroy animals.** The Manager shall have the authority, when a clear and present danger to public safety exists and reasonable means of capture have failed, to direct the humane destruction of an animal in the field. (Ord. 2190 § 2 (part), 1997).

**6.04.390 Disposal of dead animals.**

A. It shall be the duty of the owner of any animal that dies in the unincorporated area of the county to dispose of the carcass within a reasonable time by cremation, burial or other lawful means.

B. The Animal Control Manager may, upon request, dispose carcass of any unidentified dead animal found in the unincorporated area of the county. The Animal Control Manager will evaluate the need to dispose of a carcass based upon the following criteria:

1. The likelihood the carcass will pose a road hazard on any county road.

2. Where the carcass is located. The Office will give greater priority to carcasses located in highly populated areas.

3. Likelihood of consumption by a scavenger animal. The Office reserves the right to leave the carcass if it is in a remote area and likely to be consumed by a scavenger animal.

C. Whenever the Animal Control Office disposes of the carcass of any dead animal which has not been disposed of by the owner in the manner prescribed by subsection A of this section, the owner shall be liable for the expenses incurred to dispose of the carcass. (Ord. 2190 § 2 (part), 1997).

**6.04.395 Fees.** The animal control division shall charge, receive, and collect fees for the performance of services related to impoundments, redemptions, adoptions, licenses, boarding, extraordinary calls for service, and for such other functions performed in support of said services. The specific service for which a fee is charged, the amount of such fee, and the time and method of payment of such fee shall be determined and set by ordinance of the Board of Supervisors. (Ord. 2190 § 2 (part), 1997).

**6.04.400 Prohibited acts relative to running at large, staking, herding, keeping, etc., animals generally.**

A. No person owning or having control of any domestic, exotic or wild animal shall:

1. Permit such animal to run at large.

2. Cause or permit any such animal to be pastured, staked or tied in any street, road, lane, alley, park or other publicly owned property.

3. Tie, stake or pasture, or permit the tying, staking or pasturing of any such animal upon any private property within the county without the consent of the owner or occupant of such property, or in such a way as to permit any such animal to trespass upon any street or public place or upon any such private property. No person shall suffer or permit any chickens, geese, ducks, turkeys, squabs or similar fowl or rabbits, owned or controlled by the person to run or fly at large or go upon the premises of any other person in the county. (Ord. 2190 § 2 (part), 1997).

**6.04.405 Care of animals.**

A. Every person owning or occupying premises where any animal as defined in § 6.04.020 is kept shall maintain the stable, barn, yard, stall, pen, coop, building or place in which such animal is kept in a clean and sanitary condition.

B. The owner of any animal, wild or domestic, shall provide proper and adequate food, water, shelter, qualified medical care and attention for such animal at a level which insures the animal's safety, good health, and well-being. (Ord. 2190 § 2 (part), 1997).

**6.04.410 Abandoning animals prohibited.** No person shall abandon any domestic animal in the county. (Ord. 2190 § 2 (part), 1997).

**6.04.411 Animals left in vehicles.** No person shall leave an animal in any unattended

motorized vehicle without adequate ventilation, in unhealthful conditions, or otherwise under such circumstances as to allow the animal to be subjected to extreme temperatures or other conditions which adversely affect its health, safety, or well-being. (Ord. 2190 § 2 (part), 1997).

**6.04.420 Interference with Animal Control**

**Manager prohibited.** No person shall interfere with the Animal Control Manager or the manager's officers in the performance of their duties as set forth in this ordinance. (Ord. 2190 § 2 (part), 1997).

**6.04.430 Withholding information unlawful.** No person knowingly shall withhold any information as to the whereabouts of any dog known to be or suspected of being rabid, vicious, or dangerous by the Animal Control Manager when requested to furnish that information by that Officer. (Ord. 2190 § 2 (part), 1997).

**6.04.435 Misrepresentation.** No person shall willfully make a false or misleading statement or representation to the manager of animal control or to his or her designee, acting in their official capacity, regarding the ownership or right to custody or control of an animal for which a permit or license is required, or regarding the ownership of an animal redeemed from, relinquished to, impounded by, or taken up by the manager pursuant to this Title. (Ord. 2190 § 2 (part), 1997).

**6.04.440 Failure to obey lawful order of Animal Control Manager.** Any person who, after notice of any lawful directive from the Animal Control Manager or his/her designee, shall be guilty of an infraction if the person violates any provision of the directive and/or with actual or constructive knowledge permits another person to violate any provision of the directive. (Ord. 2190 § 2 (part), 1997).

**6.04.450 Violation - penalty.** Except as otherwise provided herein, any person violating any provision of this chapter shall be guilty of an infraction punishable by a fine. (Ord. 2190 § 2 (part), (1997)